

1  
2  
3  
4                   UNITED STATES DISTRICT COURT  
5                   WESTERN DISTRICT OF WASHINGTON  
6                   AT TACOMA  
7

8                   MARK SUPANICH, a single man  
9                   individually and as guardian for S.S., a minor  
10                  child,

11                  Plaintiffs,

12                  vs.

13                  KEVIN RUNDLE and JANE DOE  
14                  RUNDLE, and their marital community;  
15                  SANDY PEDIGO, a single woman;  
16                  KATHRYN NELSON and JOHN DOE  
17                  NELSON, and their marital community;  
18                  JULIA KAY and JOHN DOE KAY and their  
19                  marital community; DOES 1-100, unknown  
20                  individuals,

21                  Defendants.

22                  CASE NO. C10-5008RBL

23                  ORDER

24                  THIS MATTER comes on before the above-entitled Court upon Plaintiff's Application  
25                  to Proceed *In Forma Pauperis* and Application for Court Appointed Counsel.

26                  Having considered the entirety of the records and file herein, it hereby

1                  ORDERED that Plaintiff's Application to Proceed *In Forma Pauperis* is **GRANTED**.

2                  The Clerk shall file plaintiff's complaint. The Clerk shall send service forms to the plaintiff.  
3                  Plaintiff shall have **30 days** from the entry of this Order to return the service forms. Once the  
4                  plaintiff returns the filled out service forms and service copies of his complaint, the United  
5                  States Marshal shall send the following to each named defendant for whom there is a filled out  
6                  service form by first class mail: a copy of the complaint and of this Order, two copies of the

1 Notice of Lawsuit and Request for Waiver of Service of Summons, a Waiver of Service of  
2 Summons and a return envelope, postage prepaid, addressed to the Clerk's Office. All costs of  
3 service shall be advanced by the United States. The Clerk shall assemble the necessary  
4 documents to effect service.

5 Defendants shall have **thirty (30) days** within which to return the enclosed Waiver of  
6 Service of Summons. Each defendant who timely returns the signed Waiver shall have **sixty**  
7 **(60) days** after the date designated on the Notice of Lawsuit to file and serve an answer or a  
8 motion directed to the complaint, as permitted by Rule 12 of the Federal Rules of Civil  
9 Procedure.

10 Any defendant who fails to timely return the signed Waiver will be personally served  
11 with a summons and complaint, and may be required to pay the full costs of such service,  
12 pursuant to Rule 4(d)(2). A defendant who has been personally served shall file an answer or  
13 motion permitted under rule 12 within **thirty (30) days** after service. It is further  
14

15 ORDERED that Plaintiff's Application for Court Appointed Counsel is **DENIED**  
16 without prejudice. If the case appears to have merit after an answer or motion directed towards  
17 the complaint is filed, the Court will entertain a renewed motion to appoint counsel.  
18

19 The Clerk shall send uncertified copies of this order to all counsel of record, and to any  
20 party appearing pro se.  
21

22 DATED this 22<sup>nd</sup> day of January, 2010.

23   
24 RONALD B. LEIGHTON  
25 UNITED STATES DISTRICT JUDGE  
26